

AMENDED IN SENATE JULY 3, 2001
AMENDED IN SENATE JUNE 13, 2001
AMENDED IN ASSEMBLY MAY 31, 2001
AMENDED IN ASSEMBLY MAY 2, 2001
AMENDED IN ASSEMBLY MARCH 28, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 992

Introduced by Assembly Member Papan

February 23, 2001

An act to amend Section 56366.3 of, and to add Section 56836.19 to, the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 992, as amended, Papan. Special education: nonpublic, nonsectarian schools and agencies.

~~(1) Existing law authorizes the provision of special education services by nonpublic, nonsectarian schools under contract with school districts, county offices of education, and special education local plan areas. Existing law authorizes a school district governing board, county superintendent of schools, or county board of education to designate as the lowest salary on its salary schedule for a certificated employee meeting specified criteria an amount that is at least an annual salary of \$34,000 in the 2000–01 fiscal year.~~

~~This bill would authorize a nonpublic, nonsectarian school under contract with a school district, county office of education, or special~~

~~education local plan area to submit a request to the local educational entity for funds to compensate specified employees in an amount equal to the difference between the compensation those employees would receive if they were employed by a school district that increased its employee salary schedule as described, and the compensation received by the employees from the nonpublic, nonsectarian school, as described, thereby imposing a state-mandated local program by requiring local educational entities to undertake new duties.~~

(2) Existing law prohibits reimbursement by the state for special education and related services provided by a nonpublic, nonsectarian school or agency by an individual who is or was an employee of a contracting local educational entity within the last 365 days, with specified exceptions.

This bill would delete the prohibition against reimbursement by the state for special education and related services provided by a nonpublic, nonsectarian school by an individual who is or was an employee of a contracting local educational entity within the last 365 days, but would not delete the prohibition as it applies to nonpublic, nonsectarian agencies.

(3) ~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56366.3 of the Education Code is
2 amended to read:
3 56366.3. (a) No contract for special education and related
4 services provided by a nonpublic, nonsectarian agency shall be
5 reimbursed by the state pursuant to Article 4 (commencing with



1 Section 56836.20) of Chapter 7.2 and Section 56836.16 if the
2 contract covers special education and related services,
3 administration, or supervision by an individual who is or was an
4 employee of a contracting district, special education local plan
5 area, or county office within the last 365 days. Former contracting
6 agency personnel may be employed by a nonpublic, nonsectarian
7 agency if the personnel were involuntarily terminated or laid off
8 as part of necessary staff reductions from the district, special
9 education local plan area, or county office.

10 (b) This section does not apply to any person who is able to
11 provide designated instruction and services during the extended
12 school year because he or she is otherwise employed for up to 10
13 months of the school year by the district, special education local
14 plan area, or county office.

15 ~~SEC. 2.—Section 56836.19 is added to the Education Code, to~~
16 ~~read:~~

17 ~~56836.19. (a) (1) A nonpublic, nonsectarian school under~~
18 ~~contract with a school district, county office of education, or~~
19 ~~special education local plan area pursuant to Section 56365 or~~
20 ~~56366 may submit a request to the school district, county office of~~
21 ~~education, or special education local plan area for funds to~~
22 ~~compensate any certificated employee of the nonpublic,~~
23 ~~nonsectarian school who holds a credential authorizing the~~
24 ~~rendering of special education and related services, not including~~
25 ~~emergency permits, intern certificates or credentials, or waivers,~~
26 ~~in an amount equal to the difference between the compensation a~~
27 ~~holder of such a credential would receive pursuant to Section~~
28 ~~45023.1, if the holder were employed by a school district that~~
29 ~~increased its employee salary schedule pursuant to that section,~~
30 ~~and the compensation provided to that certificated employee by~~
31 ~~the nonsectarian school.~~

32 ~~(2) For the 2001–02 fiscal year and each fiscal year thereafter,~~
33 ~~a nonpublic, nonsectarian school that submits a request pursuant~~
34 ~~to paragraph (1) shall also submit a schedule of salaries paid to~~
35 ~~employees holding valid California teaching credentials~~
36 ~~authorizing the rendering of special education services, not~~
37 ~~including emergency permits, intern certificates or credentials, or~~
38 ~~waivers, during the prior fiscal year. The salary schedule shall be~~
39 ~~used in calculating the difference between the employees' current~~
40 ~~salaries and the minimum the employees would receive if~~

1 employed by school districts pursuant to Section 45023.1, as
2 follows:

3 (A) Total the annual salary for each employee eligible pursuant
4 to this paragraph based on a 180-day school year during the prior
5 fiscal year.

6 (B) Subtract the annual salary amount determined pursuant to
7 subparagraph (A) for each eligible employee from thirty-four
8 thousand dollars (\$34,000) per annum.

9 (C) Total the difference of all eligible employees' annual
10 salaries resulting from subparagraph (B), if any, that are below
11 thirty-four thousand dollars (\$34,000) per annum.

12 (D) Divide the sum of all eligible employees' salaries by the
13 number of contracted pupils served by each eligible employee
14 computed pursuant to subparagraph (C).

15 (E) Divide the quotient of the per pupil costs for each eligible
16 employee computed pursuant to subparagraph (D) by 180 days.

17 (F) Add the quotient determined pursuant to subparagraph (E)
18 to the per diem contract rate specified by the nonpublic school
19 master contract for a daily rate of funding during the current fiscal
20 year.

21 (G) Subtract the current per diem contract rate specified by the
22 nonpublic school master contract for a daily rate of funding for the
23 current fiscal year from the per diem contract rate specified in
24 subparagraph (F).

25 (H) Multiply the difference determined pursuant to
26 subparagraph (G) by 180 schooldays for an annual rate of funding
27 for minimum teacher salaries.

28 (3) Each contracting school district, county office of education,
29 and special education local plan area receiving funding requests
30 from a nonpublic school shall sum the results of all funding
31 requests received from the schools determined pursuant to
32 subparagraph (H) of paragraph (2), divide the sum by 180 days,
33 and submit the amount to the Superintendent of Public Instruction
34 for funding.

35 (4) Upon receipt of adjusted state revenue limit funds, each
36 school district, county office of education, and special education
37 local plan area shall amend its current master contract with
38 nonpublic schools that have submitted funding requests for their
39 eligible employees pursuant to this section to increase contract
40 payments to enable the nonpublic schools to increase the salaries

1 of their eligible employees to thirty-four thousand dollars
2 (\$34,000) per annum.

3 (b) For the 2001-02 fiscal year and each fiscal year thereafter,
4 the Superintendent of Public Instruction shall sum the results of
5 paragraph (3) of subdivision (a) and add that amount to the revenue
6 limit of the school district or county office of education with which
7 the nonpublic school has contracted. From funds appropriated for
8 purposes of this section, the Superintendent of Public Instruction
9 shall allocate funding to school districts, county offices of
10 education, and special education local plan areas for disbursement
11 to nonpublic, nonsectarian schools that submit requests pursuant
12 to subdivision (a).

13 SEC. 2.—It is the intent of the Legislature that funding for this
14 act be appropriated from funding provided for purposes of Section
15 45023.1 of the Education Code.

16 SEC. 3.—Notwithstanding Section 17610 of the Government
17 Code, if the Commission on State Mandates determines that this
18 act contains costs mandated by the state, reimbursement to local
19 agencies and school districts for those costs shall be made pursuant
20 to Part 7 (commencing with Section 17500) of Division 4 of Title
21 2 of the Government Code. If the statewide cost of the claim for
22 reimbursement does not exceed one million dollars (\$1,000,000),
23 reimbursement shall be made from the State Mandates Claims
24 Fund.